



General Assembly

January Session, 2009

**Committee Bill No. 624**

LCO No. 2952

\*02952SB00624KID\*

Referred to Committee on Select Committee on Children

Introduced by:  
(KID)

***AN ACT PROVIDING CERTAIN ADULT ADOPTED PERSONS WITH  
ACCESS TO PARENTAL HEALTH INFORMATION AND INFORMATION  
IN THEIR ORIGINAL BIRTH CERTIFICATES.***

Be it enacted by the Senate and House of Representatives in General  
Assembly convened:

1 Section 1. Section 45a-751b of the general statutes is repealed and  
2 the following is substituted in lieu thereof (*Effective October 1, 2010*):

3 (a) [If] Except as provided in subsection (c) of this section, if parental  
4 rights were terminated on or after October 1, 1995, any information  
5 tending to identify the adult adopted or adoptable person, a biological  
6 parent, including a person claiming to be the father who was not a  
7 party to the proceedings for termination of parental rights, or adult  
8 biological sibling shall not be disclosed unless written consent is  
9 obtained from the person whose identity is being requested.

10 (b) [If] Except as provided in subsection (c) of this section, if  
11 parental rights were terminated on or before September 30, 1995, (1)  
12 any information tending to identify the biological parents, including a  
13 person claiming to be the father who was not a party to the  
14 proceedings for the termination of parental rights, shall not be

15 disclosed unless written consent is obtained from each biological  
16 parent who was party to such proceedings, and (2) identifying  
17 information shall not be disclosed to a biological parent, including a  
18 person claiming to be the father who was not a party to the  
19 proceedings for termination of parental rights, without the written  
20 consent of each biological parent who was a party to such proceedings  
21 and the consent of the adult adopted or adoptable person whose  
22 identity is being requested.

23 (c) Regardless of the date parental rights were terminated, any adult  
24 adopted person whose adoption was finalized on or after October 1,  
25 2010, and for whom a new certificate of birth was established on or  
26 after said date pursuant to section 7-53, as amended by this act, or if  
27 such person is deceased, an authorized applicant, as defined in  
28 subparagraph (D) of subdivision (3) of section 45a-743, may apply for  
29 and receive a copy of (1) the person's sealed original birth certificate or  
30 record pursuant to section 7-51, as amended by this act, and (2) any  
31 contact preference form attached to the sealed original birth certificate  
32 or record pursuant to section 7-51, as amended by this act. Nothing in  
33 this subsection shall be construed to limit such person's or authorized  
34 applicant's access to information pursuant to this part.

35 ~~[(c)]~~ (d) If the whereabouts of any person whose identity is being  
36 sought are unknown, the court shall appoint a guardian ad litem  
37 pursuant to subsection (c) of section 45a-753.

38 ~~[(d)]~~ (e) When the authorized applicant requesting identifying  
39 information has contact with a biological sibling who is a minor,  
40 identifying information shall not be disclosed unless consent is  
41 obtained from the adoptive parents or guardian or guardian ad litem  
42 of the sibling.

43 ~~[(e)]~~ (f) Any information tending to identify any adult relative other  
44 than a biological parent shall not be disclosed unless written consent is  
45 obtained from such adult relative. The consent of any biological  
46 parents common to the person making the request and the person to

47 be identified shall be required unless (1) the parental rights of such  
48 parents have been terminated and not reinstated, guardianship has  
49 been removed and not reinstated or custody has been removed and  
50 not reinstated with respect to such adult relative, or (2) the adoption  
51 was finalized on or after June 12, 1984. No consent shall be required if  
52 the person to be identified is deceased. If the person to be identified is  
53 deceased, the information that may be released shall be limited as  
54 provided in subsection (e) of section 45a-753.

55 ~~[(f)]~~ (g) Any adult person for whom there is only removal of custody  
56 or removal of guardianship as specified in subsection (b) of section  
57 45a-750, as amended by this act, may apply in person or in writing to  
58 the child-placing agency, the department, the court of probate or the  
59 superior court ~~[which]~~ that has the information. Such information shall  
60 be made available ~~[within]~~ not later than sixty days after the date of  
61 receipt of such request unless the child-placing agency, department or  
62 court notifies the person requesting the information that it cannot be  
63 made available within sixty days and states the reason for the delay. If  
64 the person making such request is a resident of this state and it  
65 appears that counseling is advisable with release of the information,  
66 the child-placing agency or department may request that the person  
67 appear for an interview. If the person making such request is not a  
68 resident of this state, and if it appears that counseling is advisable with  
69 release of the information, the child-placing agency, department or  
70 court may refer the person to an out-of-state agency or appropriate  
71 governmental agency or department, approved by the department or  
72 accredited by the Child Welfare League of America, the National  
73 Conference of Catholic Charities, the Family Services Association of  
74 America or the Council on Accreditation of Services of Families and  
75 Children. If an out-of-state referral is made, the information shall be  
76 released to the out-of-state child-placing agency or department for  
77 release to the applicant, provided such information shall not be  
78 released unless the out-of-state child-placing agency or department is  
79 satisfied as to the identity of the person.

80 Sec. 2. Section 7-51 of the general statutes is repealed and the  
81 following is substituted in lieu thereof (*Effective October 1, 2010*):

82 (a) (1) The department and registrars of vital [records] statistics shall  
83 restrict access to and issuance of a certified copy of birth and fetal  
84 death records and certificates less than one hundred years old, to  
85 eligible parties described in subdivision (2) of this subsection and the  
86 following eligible parties: [(1)] (A) The person whose birth is recorded,  
87 if over eighteen years of age; [(2)] (B) such person's children,  
88 grandchildren, spouse, parent, guardian or grandparent; [(3)] (C) the  
89 chief executive officer of the municipality where the birth or fetal death  
90 occurred, or the chief executive officer's authorized agent; [(4)] (D) the  
91 local director of health for the town or city where the birth or fetal  
92 death occurred or where the mother was a resident at the time of the  
93 birth or fetal death, or the director's authorized agent; [(5)] (E)  
94 attorneys-at-law and title examiners representing such person or such  
95 person's parent, guardian, child or surviving spouse; [(6)] (F) members  
96 of genealogical societies incorporated or authorized by the Secretary of  
97 the State to do business or conduct affairs in this state; [(7)] (G) agents  
98 of a state or federal agency as approved by the department; and [(8)]  
99 (H) researchers approved by the department pursuant to section 19a-  
100 25.

101 (2) The department shall provide access to and issuance of a copy of  
102 a sealed original birth record or certificate marked with the same  
103 notation required for such records under subsection (c) of section 7-53,  
104 as amended by this act, to any person twenty-one years of age or older  
105 whose adoption was finalized on or after October 1, 2010, and for  
106 whom a new certificate of birth was established on or after October 1,  
107 2010, pursuant to section 7-53, as amended by this act, because of the  
108 adoption, or if the person is deceased, an authorized applicant, as  
109 defined in subparagraph (D) of subdivision (3) of section 45a-743,  
110 provided the department is satisfied as to the identity of the person or  
111 authorized applicant requesting the record or certificate.

112       (3) Except as provided in section 19a-42a and subdivision (2) of this  
113 subsection, access to confidential files on paternity, adoption, gender  
114 change or gestational agreements, or information contained within  
115 such files, shall not be released to any party, including the eligible  
116 parties listed in subdivision (1) of this subsection, except upon an  
117 order of a court of competent jurisdiction.

118       (b) No person other than the eligible parties listed in subsection (a)  
119 of this section shall be entitled to examine or receive a copy of any  
120 birth or fetal death record or certificate, access the information  
121 contained therein, or disclose any matter contained therein, except  
122 upon written order of a court of competent jurisdiction. Nothing in this  
123 section shall be construed to permit disclosure to any person,  
124 including the eligible parties listed in subsection (a) of this section, of  
125 information contained in the "information for health and statistical use  
126 only" section or the "administrative purposes only" section of a birth  
127 certificate, unless specifically authorized by the department for  
128 statistical or research purposes. The Social Security number of the  
129 parent or parents listed on any birth certificate shall not be released to  
130 any party, except to those persons or entities authorized by state or  
131 federal law. Such confidential information, other than the excluded  
132 information set forth in this subsection, shall not be subject to  
133 subpoena or court order and shall not be admissible before any court  
134 or other tribunal.

135       (c) The registrar of the town in which the birth or fetal death  
136 occurred or of the town in which the mother resided at the time of the  
137 birth or fetal death, or the department, may issue a certified copy of the  
138 certificate of birth or fetal death of any person born in this state  
139 [which] that is kept in paper form in the custody of the registrar. Such  
140 certificate shall be issued upon the written request of an eligible party  
141 listed in subsection (a) of this section. Any registrar of vital statistics in  
142 this state with access, as authorized by the department, to the  
143 electronic vital records system of the department may issue a certified  
144 copy of the electronically filed certificate of birth or fetal death of any

145 person born in this state upon the written request of an eligible party  
146 listed in subsection (a) of this section.

147 (d) The department and each registrar of vital statistics shall issue  
148 only certified copies of birth certificates or fetal death certificates for  
149 births or fetal deaths occurring less than one hundred years prior to  
150 the date of the request, except as provided in subdivision (2) of  
151 subsection (a) of this section.

152 (e) (1) With respect to an original birth record or certificate that was  
153 superseded by a new birth certificate pursuant to section 7-53, as  
154 amended by this act, and that may be made available pursuant to  
155 subdivision (2) of subsection (a) of this section, upon request from the  
156 person whose birth was recorded or a birth parent named in the birth  
157 certificate, the department shall make available to each birth parent, or  
158 the birth parent making the request, as the case may be, a contact  
159 preference form prescribed in this subsection on which the birth parent  
160 may state a preference regarding contact by the person whose birth  
161 was recorded or an authorized applicant. Upon such request, the  
162 department shall also provide the birth parent with a form on which to  
163 record the birth parent's health history pursuant to subdivision (10) of  
164 subsection (a) of section 45a-746, which the birth parent may complete  
165 and return.

166 (2) The contact preference form shall provide the birth parent with  
167 (A) a place to indicate whether the health history form has been  
168 completed and returned, and (B) the following options from which the  
169 birth parent shall select one:

170 (i) I would like to be contacted.

171 (ii) I would like to be contacted but only through an intermediary.

172 (iii) I do not want to be contacted.

173 (3) When the department receives a completed contact preference  
174 form or a completed health history form from a birth parent, the

175 department shall attach the form to the adopted person's sealed  
176 original certificate or record. The form shall be confidential and copies  
177 shall only be provided to (A) the person whose birth was recorded or  
178 an authorized applicant, and (B) the state registry pursuant to section  
179 45a-755.

180 (4) Only a person authorized by the department to issue a birth  
181 record or certificate under this section may process a contact  
182 preference form and an updated health history form.

183 Sec. 3. Section 7-53 of the general statutes is repealed and the  
184 following is substituted in lieu thereof (*Effective October 1, 2010*):

185 (a) Upon receipt of the record of adoption referred to in subsection  
186 (e) of section 45a-745 or of other evidence satisfactory to the  
187 department that a person born in this state has been adopted, the  
188 department shall prepare a new birth certificate of such adopted  
189 person, except that no new certificate of birth shall be prepared if the  
190 court decreeing the adoption, the adoptive parents or the adopted  
191 person, if over fourteen years of age, so requests. Such new birth  
192 certificate shall include all the information required to be set forth in a  
193 certificate of birth of this state as of the date of birth, except that the  
194 adopting parents shall be named as the parents instead of the [genetic]  
195 birth parents and, when a certified copy of the birth of such person is  
196 requested by an authorized person, a copy of the new certificate of  
197 birth as prepared by the department shall be provided, except as  
198 provided in section 7-51, as amended by this act.

199 (b) Any person seeking to examine or obtain a copy of the original  
200 record or certificate of birth, except an adopted person or an  
201 authorized applicant who is eligible to obtain an original record or  
202 certificate of birth pursuant to section 7-51, as amended by this act,  
203 shall first obtain a written order signed by the judge of the probate  
204 court for the district in which the adopted person was adopted or born  
205 in accordance with section 45a-753, or a written order of the Probate  
206 Court in accordance with the provisions of section 45a-752, stating that

207 the court is of the opinion that the examination of the birth record of  
208 the adopted person by the adopting parents or the adopted person, if  
209 over eighteen years of age, or by the person wishing to examine the  
210 [same] birth record or that the issuance of a copy of such birth  
211 certificate to the adopting parents or the adopted person, if over  
212 eighteen years of age, or to the person applying [therefor] for the birth  
213 certificate will not be detrimental to the public interest or to the  
214 welfare of the adopted person or to the welfare of the [genetic] birth  
215 parent or parents or adoptive parent or parents.

216 (c) Upon receipt of such court order, the registrar of vital statistics of  
217 any town in which the birth of such person was recorded, or the  
218 department, may issue the certified copy of the original certificate of  
219 birth on file, marked with a notation by the issuer that such original  
220 certificate of birth has been superseded by a replacement certificate of  
221 birth as on file, or may permit the examination of such record.

222 (d) Immediately after a new certificate of birth has been prepared,  
223 an exact copy of such certificate, together with a written notice of the  
224 evidence of adoption, shall be transmitted by the department to the  
225 registrar of vital statistics of each town in this state in which the birth  
226 of the adopted person is recorded. The new birth certificate, the  
227 original certificate of birth on file and the evidence of adoption shall be  
228 filed and indexed, under such regulations as the commissioner adopts,  
229 in accordance with chapter 54, to carry out the provisions of this  
230 section and to prevent access to the records of birth and adoption and  
231 the information [therein] contained in the records without due cause,  
232 except as provided in this section and section 7-51, as amended by this  
233 act.

234 (e) Any person, except such parents or adopted person, who  
235 discloses any information contained in such records, except as  
236 provided in this section or section 7-51, as amended by this act, shall be  
237 fined not more than five hundred dollars or imprisoned not more than  
238 six months, or both.



239 (f) Whenever a certified copy of an adoption decree from a court of  
240 a foreign country, having jurisdiction of the adopted person, is filed  
241 with the department under the provisions of this section, such decree,  
242 when written in a language other than English, shall be accompanied  
243 by an English translation, which shall be subscribed and sworn to as a  
244 true translation by an American consulate officer stationed in such  
245 foreign country.

246 Sec. 4. Section 45a-744 of the general statutes is repealed and the  
247 following is substituted in lieu thereof (*Effective October 1, 2009*):

248 It is the policy of the state of Connecticut to make available to  
249 adopted and adoptable persons who are adults (1) information  
250 concerning their background and status; to give the same information  
251 to their adoptive parent or parents; and, in any case where such adult  
252 persons are deceased, to give the same information to their adult  
253 descendants, including adopted descendants except a copy of their  
254 original birth certificate as provided by section 7-51, as amended by  
255 this act; (2) to provide for consensual release of additional information  
256 which may identify the biological parents or relatives of such adult  
257 adopted or adoptable persons when release of such information is in  
258 the best interests of such persons; (3) except as provided in section 7-  
259 51, as amended by this act, with respect to original birth records and  
260 certificates, and subdivisions (4) and (5) of this section, to protect the  
261 right to privacy of all parties to termination of parental rights,  
262 statutory parent and adoption proceedings; (4) to make available to  
263 any biological parent of an adult adopted or adult adoptable person,  
264 including a person claiming to be the father who was not a party to the  
265 proceedings for termination of parental rights, information which  
266 would tend to identify such adult adopted or adult adoptable person;  
267 and (5) to make available to any adult biological sibling of an adult  
268 adopted or adult adoptable person information which would tend to  
269 identify such adult adopted or adult adoptable person.

270 Sec. 5. Subsection (c) of section 19a-42 of the general statutes is

271 repealed and the following is substituted in lieu thereof (*Effective*  
 272 *October 1, 2010*):

273 (c) An amended certificate shall supersede the original certificate  
 274 that has been changed and shall be marked "Amended", except for  
 275 amendments due to parentage or gender change. The original  
 276 certificate in the case of parentage or gender change shall be physically  
 277 or electronically sealed and kept in a confidential file by the  
 278 department and the registrar of any town in which the birth was  
 279 recorded, and may be unsealed for viewing or issuance only as  
 280 provided in section 7-51, as amended by this act, with respect to files  
 281 on adoption, or upon a written order of a court of competent  
 282 jurisdiction. The amended certificate shall become the public record.

283 Sec. 6. Subsection (b) of section 45a-750 of the general statutes is  
 284 repealed and the following is substituted in lieu thereof (*Effective*  
 285 *October 1, 2010*):

286 (b) Any person for whom there is only a removal of custody or  
 287 removal of guardianship, and such removal took place in this state  
 288 shall be given information [which] that may identify the biological  
 289 parent or parents or any relative of such person, upon request, in  
 290 person or in writing, in accordance with subsection [(f)] (g) of section  
 291 45a-751b, as amended by this act, provided such information with  
 292 respect to any relative shall not be released unless the consents  
 293 required in subsection [(e)] (f) of section 45a-751b, as amended by this  
 294 act, are obtained.

This act shall take effect as follows and shall amend the following sections:		
Section 1	<i>October 1, 2010</i>	45a-751b
Sec. 2	<i>October 1, 2010</i>	7-51
Sec. 3	<i>October 1, 2010</i>	7-53
Sec. 4	<i>October 1, 2009</i>	45a-744
Sec. 5	<i>October 1, 2010</i>	19a-42(c)
Sec. 6	<i>October 1, 2010</i>	45a-750(b)

**Statement of Purpose:**

To provide each adult adopted person with access to parental health information and information in the person's original birth certificate.

*[Proposed deletions are enclosed in brackets. Proposed additions are indicated by underline, except that when the entire text of a bill or resolution or a section of a bill or resolution is new, it is not underlined.]*

Co-Sponsors: SEN. MEYER, 12th Dist.; SEN. SLOSSBERG, 14th Dist.

S.B. 624